IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2250 OF 2006
IN
CIVIL APPLICATION NO. 2432 OF 2005
IN
WRIT PETITION NO. 4468 OF 2005

Shri Rajendra Kondiba Ovhal] .. Applicant

Versus

1. Mulund Sahakari Vishwa Co-Op. Housing Society & 2 ors.] .. Respondents

Mr. Kishore Patil for the applicant.

Mr. A.V. Anturkar for the respondent No.3.

CORAM: S.B. MHASE, J.

DATED: 22ND MARCH, 2007

P.C. :

. The applicant has approached this Court for recalling the order dated 28th April, 2006, passed in Civil Application No. 2432 of 2005. It appears that the said order was passed when the applicant was a respondent in the said Civil Application, though served and was absent. Now, it is being pointed out that certain amounts have been deposited. However, whether those deposits are as per the directions of this Court or not is yet required to be scrutinized. But, the fact remains that the applicant has deposited certain arrears

and, therefore, if he has paid those arrears then in those circumstances, he requires protection which was already granted by this Court. Therefore, instead of recalling the entire order, I find it appropriate to recall the following portion:

> "It is made clear that if within four weeks the amount is not deposited with the society and/or receipt showing that payment has been made to the society is not produced, stay granted by this court shall stand vacated.
>
> Civil Application stands disposed of accordingly."

2. The matter is left to the regular Bench to scrutinize as to whether the payment as per the order has been made or not. The regular Bench may take into consideration the total amount deposited and thereafter may pass an appropriate order disposing of the said Civil Application.

3. In view of this order, the present Civil Application stands disposed of.

Sd/-
[S.B. MHASE, J.]